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## SENATE BILL No. 217

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-24-1-10.

**Synopsis:** Muscatatuck State Developmental Center closure. Requires the division of disability, aging, and rehabilitative services to take certain actions, including conducting public hearings, submitting a report to the legislative council, and developing a closure plan, before closing Muscatatuck State Developmental Center.

**Effective:** Upon passage.

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January 7, 2002, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 217

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-24-1-10 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3       UPON PASSAGE]: **Sec. 10. (a) Notwithstanding any other law, the**  
4       **director of the division of disability, aging, and rehabilitative**  
5       **services may not terminate normal patient care or other operations**  
6       **at Muscatatuck State Developmental Center unless the division has**  
7       **complied with this section.**

8       **(b) The division shall conduct at least one (1) public hearing at**  
9       **a handicap accessible location in the county where Muscatatuck**  
10       **State Developmental Center is located to obtain written and oral**  
11       **testimony from all persons interested in the effect that the center's**  
12       **closure would have on:**

13       **(1) Muscatatuck State Developmental Center:**

14               **(A) residents;**

15               **(B) residents' families; and**

16               **(C) employees; and**

17       **(2) communities surrounding Muscatatuck State**



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1        **Developmental Center.**

2        **(c) The division shall conduct a study of the following issues:**

3            **(1) The risks to the health and well-being of residents of**  
 4            **Muscatatuck State Developmental Center and the families of**  
 5            **residents that arise from:**

6            **(A) closing Muscatatuck State Developmental Center; and**

7            **(B) transferring residents to new placements.**

8            **(2) The types of placements needed to adequately serve**  
 9            **residents of Muscatatuck State Developmental Center in a**  
 10           **setting that is located within the vicinity of the families of**  
 11           **residents, including:**

12           **(A) the availability of adequate placements; and**

13           **(B) the need to develop new placement opportunities.**

14           **(3) The economic impact that closure will have on:**

15           **(A) Muscatatuck State Developmental Center:**

16           **(i) residents;**

17           **(ii) residents' families; and**

18           **(iii) employees; and**

19           **(B) communities surrounding Muscatatuck State**  
 20           **Developmental Center.**

21           **(4) The existence of environmental hazards on the property**  
 22           **where Muscatatuck State Developmental Center is located.**

23           **(5) Opportunities for reuse of the Muscatatuck State**  
 24           **Developmental Center property in a manner that will enhance**  
 25           **the economy of the area.**

26           **(d) After the public hearing required under subsection (b), the**  
 27           **division shall submit a report to the legislative council and the**  
 28           **budget agency that contains the following information:**

29           **(1) A summary of the testimony received at the public hearing**  
 30           **required under subsection (b).**

31           **(2) The results of the division's study under subsection (c).**

32           **(3) Other information the director of the division considers**  
 33           **relevant.**

34           **(e) The division shall develop a plan for the closure of**  
 35           **Muscatatuck State Developmental Center. The plan must include**  
 36           **the following:**

37           **(1) A plan and timetable for placement of all residents of**  
 38           **Muscatatuck State Developmental Center in adequate**  
 39           **placements that fully meet the needs of the residents before**  
 40           **closing Muscatatuck State Developmental Center.**

41           **(2) A plan for moving residents to alternative placements that**  
 42           **protects the physical health, mental health, and safety of the**

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residents.

(3) A plan for keeping:

(A) Muscatatuck State Developmental Center:

(i) residents;

(ii) residents' families; and

(iii) employees; and

(B) communities surrounding Muscatatuck State Developmental Center;

informed of each significant step taken in the planning, resident placement, and closure process.

(4) An environmental plan for the elimination of any environmental hazards on the property where Muscatatuck State Developmental Center is located.

(5) A plan and timetable for the reuse of the Muscatatuck State Developmental Center property in a manner that will provide for the best economic use of the property.

(6) A plan for monitoring compliance with the standards set to assure the health and safety of residents, compliance with this section, and the plans developed under this section.

The division shall submit the plan required under this subsection to the legislative council and the budget agency at the same time that the report required under subsection (d) is submitted.

(f) The report required under subsection (d) and the plan required under subsection (e) must be approved by the budget director after review by the legislative council and the budget committee.

(g) The director may not complete the closure of Muscatatuck State Developmental Center until:

(1) the report and plan are approved by the budget director under subsection (f); and

(2) all residents of Muscatatuck State Developmental Center are placed in adequate placements that:

(A) fully meet the needs of the residents; and

(B) are located sufficiently close to the families of residents so that the families may maintain the same level of contact with the residents that the families had before the residents were transferred from Muscatatuck State Developmental Center.

SECTION 2. An emergency is declared for this act.

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